

**BELL, SHIVAS & FASOLO, P.C.**

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*Attorneys for Plaintiffs*

Peter Wengryn, Laila Sayad and Gerry Louw

**IN THE UNITED STATES DISTRICT COURT**

**FOR THE SOUTHERN DISTRICT OF NEW YORK**

PETER WENGRYN, LAILA SAYAD AND  
GERRY LOUW,

Plaintiffs,

– against –

AMERICAN BUSINESS CONSULTANT  
GROUP HOLDING, LLC; J. MICHAEL  
KAFES; DENNIS LEE; PROVISION  
CORPORATION, LLC; ABC CORPS. 1-10;  
JOHN DOES 1-10, jointly and severally,

Defendants.

CIVIL ACTION NO.: 13-CV-4556 (KBF)

**CERTIFICATION OF  
VALERIE FASOLO**

VALERIE FASOLO, of full age, hereby certifies as follows:

1. I am an attorney duly admitted to practice law in the States of New Jersey and Arizona, and the United States Federal District Court for the Districts of New Jersey, Arizona, and the Northern, Eastern and Southern Districts of New York. I am a partner of the law firm of Bell, Shivas & Fasolo, P.C., attorneys for Plaintiffs Peter Wengryn (“Mr. Wengryn”), Laila Sayad (“Ms. Sayad”) and Gerry Louw (“Mr. Louw”) (collectively, “Plaintiffs”) in this matter. I respectfully submit this certification in support of Plaintiffs’ Reply in Support of Their Motion for Partial Summary Judgment.

2. A true and correct copy of the Stipulation Regarding Assumption of Liability By Defendant Provision Corporation, LLC, which was entered by the Honorable Vincent L. Briccetti on October 9, 2014, is annexed hereto as Exhibit A.

3. A true and correct copy of the transcript of the Conference Call that Defendants held with the Consultants of Defendant ABC Group on November 8, 2012, is annexed hereto as Exhibit B. (A copy of the actual recording of the November 8, 2012 conference call is in the possession of counsel for both parties and can be made available to the Court.)

4. A true and correct copy of relevant pages and exhibits from the deposition transcript of James Michael Kafes, is annexed hereto as Exhibit C.

5. A true and correct copy of correspondence from Alison David, Board Member, to Mr. Wengryn, dated September 13, 2012, is annexed hereto as Exhibit D.

6. A true and correct copy of correspondence from James Michael Kafes to Mr. Wengryn, dated September 13, 2012, is annexed hereto as Exhibit E.

7. A true and correct copy of a page from Defendant ProVision's Website, is annexed hereto as Exhibit F.

8. A true and correct copy of *Doyle v. Turner*, 1994 WL 48854 (S.D.N.Y. Feb. 16, 1994) is annexed hereto as Exhibit G.

9. A true and correct copy of *Gill v. World Inspection Network Int'l, Inc.*, 2006 WL 2166821 (E.D.N.Y. July 31, 2006) is annexed hereto as Exhibit H.

10. A true and correct copy of *Hodak v. Madison Capital Mgmt., LLC*, 2011 WL 1324522 (E.D. Ky. April 4, 2011) is annexed hereto as Exhibit I.

11. I hereby certify that the foregoing statements made by me are true and correct to the best of my knowledge. I understand that if any of the foregoing statements made by me are willfully false I may be subject to punishment.

I declare under penalty of perjury that the foregoing is true and correct.

By: /s/ Valerie Fasolo  
Valerie Fasolo, Esq.

Dated: May 11, 2015